

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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LOLA BODANSKY, :  
: :  
Plaintiffs, :  
: :  
v. : No. 09 CV 4651 (DLC)  
: :  
FIFTH ON THE PARK CONDO, LLC :  
EYTAN BENYANIN and :  
ROBERT EZRAPOUR, :  
: :  
Defendants. :  
: :  
----- x  
STEVE BERGEN and LYNNE SCHALMAN, :  
: :  
Plaintiff, :  
: :  
v. : No. 09 CV 6433 (DLC)  
: :  
FIFTH ON THE PARK CONDO, LLC :  
EYTAN BENYANIN and :  
ROBERT EZRAPOUR, :  
: :  
Defendants. :  
: :  
----- x

**DECLARATION OF SANDRA RAMPERSAUD**

Sandra Rampersaud declares, under penalty of perjury, as follows:

1. I am an attorney-at-law, admitted to practice in the State of New York, and a member in good standing of the bar of this Court.
  
2. I am an associate at the law firm Stroock & Stroock & Lavan LLP, attorneys for Defendants Fifth on the Park Condo, LLC (“Fifth”), Eytan Benyanin and Robert Ezrapour

(together “Defendants”) in the above-captioned action. I submit this declaration in support of Defendants’ Pretrial Memorandum, and related papers.

**Parallel Case in the Eastern District of New York**

3. Based upon facts similar to the instant case, beginning in March, 2009, HUD conducted an ILSA compliance investigation with respect to the Hunters Point Condominium (“Hunters Point”) located at 5-49 Borden Avenue, Long Island City, New York, and a sister development, the Hunters View Condominium (“Hunters View”), located at 48-15 11th Street, Long Island City (collectively the “Hunters Point Projects”). The investigation concluded with the issuance of an Advisory Opinion dated July 17, 2009. (See Exhibit A, annexed hereto, a true and correct copy of the Department of Housing and Urban Development’s Advisory Opinion, dated July 17, 2009, regarding Hunters Point Projects. See Plaintiffs’ Exhibit (“PX”) 3, and Joint Exhibit (“JX”) 8.)

4. Purchasers of units in the Hunters Point Projects have filed law suits in the Eastern District of New York, claiming violations of ILSA, and are represented by the same firm which represents the Plaintiffs here. See Civ. Nos.: 09 Civ 845 (ARR) (JMA); 09 Civ 655 (ARR) (JMA); 09 Civ 1303 (ARR) (JMA); 09 Civ 1196 (ARR) (JMA); 09 Civ 1228 (ARR) (JMA); 09 Civ 1455 (ARR) (JMA); 09 Civ 1721 (ARR) (JMA); and 09 Civ 1984 (ARR) (JMA).

5. Annexed hereto as Exhibit B is a true and correct copy of the briefing schedule for the Hunters Point Cases, showing that both sides are moving for summary judgment and that fully-briefed motions must be filed no later than January 15, 2010.

### **Status of Filings with HUD**

6. On May 26, 2009, the Office of RESPA and Interstate Land Sales at HUD sent Defendant Fifth on the Park Condominium, LLC (“Fifth”) a questionnaire concerning its compliance with ILSA. (See JX6.)

7. On August 18, 2009, Fifth responded to the HUD questionnaire. (See JX7.)

8. On December 8, 2009, Fifth submitted a supplemental production to HUD, providing copies of the temporary certificates of occupancy that cover the entire building. (See Exhibit C annexed hereto; DX7.)

9. HUD’s decision regarding Fifth’s compliance with ILSA is pending.

### **Relevant Legislative History**

10. Annexed hereto as Exhibit D is a true and correct copy of the House Report accompanying the 1979 revisions to the Interstate Land Sales Full Disclosure Act, H.R. Rep. No. 96-154.

11. Annexed hereto as Exhibit E is a true and correct copy of the United States Code, 15 U.S.C. § 1702(a) (1976), as it existed prior to the 1979 revisions.

12. Annexed hereto as Exhibit F is a true and correct copy of “Comments on the Ashley Bill—H.R. 3598” submitted by Patricia M. Worthy, Administrator, Office of Interstate Land Sales Registration, excerpted from the Hearings Before the Subcommittee on Housing and Community Development of the House of Representatives Committee on Banking, Finance and Urban Affairs, 96 Cong. 1017-28 (1979).

13. Annexed hereto as Exhibit G is a true and correct copy of a letter dated April 26, 1979 submitted by Albert E. Abrahams, Senior Vice President, National Association of Realtors, commenting on H.R. 3598, excerpted from the Hearings Before the Subcommittee on Housing and Community Development of the House of Representatives Committee on Banking, Finance and Urban Affairs, 96 Cong. 1072-78 (1979).

14. Annexed hereto as Exhibit H is a true and correct copy of the 1983 Proposed Guidelines for Exemptions Available Under the Interstate Land Sales Full Disclosure Act, 48 Fed. Reg. 44,412 (Sept. 28, 1983).

15. Annexed hereto as Exhibit I is a true and correct copy of the Supplemental Information to Part 1710: Guidelines for Exemptions Available Under the Interstate Land Sales Full Disclosure Act, 61 Fed. Reg. 13,596, 13,604 (Mar. 27, 1996), excerpted from the Rules and Regulations of the Department of Housing and Urban Development.

16. Annexed hereto as Exhibit J is a true and correct copy of the 1984 Final Guidelines for Exemptions Available Under the Interstate Land Sales Full Disclosure Act, 49 Fed. Reg. 31,375 (Aug. 6, 1984).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 18, 2009  
New York, New York

/s/ Sandra Rampersaud  
Sandra Rampersaud